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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

SAMANTHA ALARIO, HEATHER
DIROCCO, CARLY ANN GODDARD,
ALICE HELD, and DALE STOUT,

Plaintiffs,

v.

AUSTIN KNUDSEN, in his official
capacity as Attorney General of the State
of Montana,

Defendant.

Lead Case No.
9:23-cv-00056-DWM
CV 23-56-M-DWM

Member Case No.
CV 23-61-M-DWM

**PLAINTIFFS SAMANTHA
ALARIO, HEATHER DIROCCO,
CARLY ANN GODDARD, ALICE
HELD, AND DALE STOUT'S
MOTION FOR PRELIMINARY
INJUNCTION**

Plaintiffs Samantha Alario, Heather DiRocco, Carly Ann Goddard, Alice Held, and Dale Stout respectfully move the Court for an order preliminarily enjoining enforcement of SB 419, which the Montana Legislature enacted on April 18, 2023, and Governor Greg Gianforte signed into law on May 17, 2023.

As demonstrated in the accompanying brief, supporting declarations, and exhibits, SB 419 is unconstitutional. The law violates Plaintiffs' and their fellow Montanans' First Amendment rights by shuttering an entire forum for their speech. It also impermissibly seeks to regulate foreign affairs with China, in violation of the Constitution's Foreign Affairs Doctrine, and is preempted by the International Emergency Economic Powers Act, 50 U.S.C. § 1701, and Section 721 of the Defense Production Act, 50 U.S.C. § 4565. Finally, SB 419 violates the Commerce Clause by burdening interstate commerce.

A preliminary injunction is warranted. Plaintiffs will prevail on the merits of their claims and will suffer certain and immediate irreparable injuries absent relief—including the loss of their First Amendment rights, as well as the unrecoverable loss of their income generated through TikTok. The balance of equities and the public interest also favor enjoining enforcement of SB 419, as the State of Montana has no legally cognizable interests in violating the U.S. Constitution and the State has identified no valid justification for this law.

In compliance with L.R. 7.1(c)(1), Plaintiffs have alerted all other parties of their intent to file this Motion. Consolidated Plaintiff TikTok Inc. does not object to the Motion. Defendant Austin Knudsen objects and plans to oppose.

Plaintiffs respectfully request an order enjoining enforcement of SB 419 pending final disposition of this case.

Dated: July 5, 2023

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By: /s/ Ambika Kumar
Ambika Kumar
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By: /s/ Natasha Prinzing Jones
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